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Attorneys for Defendants

FIRST FRANKLIN FINANCIAL CORP., (erroneously named as FIRST FRANKLIN LOAN SERVICES, Subsidiary of FIRST FRANKLIN FINANCIAL CORPORATION) MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., and LASALLE BANK, N.A. (erroneously named as LASALLE BANK NATIONAL ASSOCIATION)

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

RICHARD S GALE,

Plaintiff,

V.

FIRST FRANKLIN LOAN SERVICES, a Subsidiary of FIRST FRANKLIN FINANCIAL CORPORATION, a Delaware Corporation; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a Delaware Corporation, CAL-WESTERN RECONVEYANCE CORPORATION, a California Corporation, LASALLE BANK NATIONAL ASSOCIATION; and DOES I THROUGH X, inclusive; and ROE CORPORATION XX through XXX, Inclusive.

Case No.: 2:08-1615-RCJ-PAL

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO DISMISS
COMPLAINT OR IN THE ALTERNATIVE
FOR SUMMARY JUDGMENT**

Defendants.

TO THE COURT, PLAINTIFF AND ANY OTHER PARTIES IN THIS ACTION:

Pursuant to Federal Rules of Evidence, Rule 201(f), Defendant, FIRST FRANKLIN FINANCIAL CORPORATION (erroneously named as First Franklin Loan Services, subsidiary of First Franklin Financial Corporation), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., and LASALLE BANK, N.A. (erroneously named as LaSalle Bank National Association), submits the following Request for Judicial Notice in support of its Motion to Dismiss Complaint or in the alternative Motion for Summary Judgment. The following documents are proper for judicial

1 notice as they are recordable official documents, referenced in Plaintiff's Complaint, and/or are
 2 central to the allegations of Plaintiff's Complaint. See, Ledet v. Gibson, 2007 WL 777686, 2-4 (D.
 3 Nev. 2007) (Unreported), Lee v. City of Los Angeles, 250 F.3d 668, 688 (C.A.9 2001).

4 Accordingly, the above named Defendants respectfully request that the Court to take judicial notice
 5 of the following documents:

- 6 1. Attached as Exhibit "A" is a copy of Plaintiff's Deed of Trust dated November 25, 2006,
 7 securing a loan for \$250,000.00 as recorded in the official records of the Clark County
 8 Recorder as Instrument No. 2007-612-0005271. This document is signed by the Plaintiff,
 9 is a public record, and is central to the allegations of Plaintiff's Complaint. (Amended
 10 Complaint ¶¶ 14, 22, 23, 35.)
- 11 2. Attached as Exhibit "B" is a copy of the Notice of Breach and Default and of Election to
 12 Cause Sale of Real Property under Deed of Trust dated August 8, 2008 as recorded in the
 13 official records of the Clark County Recorder as Exhibit No. 20080808-0003872. This
 14 document is a public record, and is central to the allegations of Plaintiff's Complaint.
 15 (Complaint ¶ 20.)
- 16 3. Attached as Exhibit "C" is a copy of the Assignment of Deed of Trust which is dated
 17 August 21, 2008. This document was recorded in the Clark County Recorder's office on
 18 August 26, 2008 as Instrument No. 20080826-0003620 and is part of the public record
 19 and is central to the allegations of Plaintiff's Complaint. (Complaint ¶ 22.)

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1 4. Attached as Exhibit "D" is a copy of the Notice of Trustee Sale. This document was
2 recorded in Clark County Recorder's office, Instrument No. 20081112-0004189. This
3 document is a public record and is central to the allegations of Plaintiff's Complaint.
4 (Complaint ¶ 24).

5 DATED: April 10, 2009

6 WOLFE & WYMAN LLP

7 By: /s/ Peter E. Dunkley
8 RACHEL E. DONN, ESQ.
9 Nevada Bar No.: 10568
10 PETER E. DUNKLEY, ESQ.
11 Nevada Bar No.: 11110
12 840 Grier Drive, Suite 370
13 Las Vegas, Nevada 89119

14 **Attorneys for Defendants**

15 FIRST FRANKLIN FINANCIAL CORP.,
16 (erroneously named as FIRST FRANKLIN LOAN
17 SERVICES, Subsidiary of FIRST FRANKLIN
18 FINANCIAL CORPORATION), MORTGAGE
19 ELECTRONIC REGISTRATION SYSTEMS,
20 INC., and LASALLE BANK, N.A. (erroneously
21 named as LASALLE BANK NATIONAL
22 ASSOCIATION)

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1 **CERTIFICATE OF SERVICE**

2 1. On _____ I served the _____ by the following means to the
3 persons as listed below:

4 _____ a. EFC System (you must attach the "Notice of Electronic Filing", or list all
5 persons and addresses and attach additional paper if necessary):

6 2. On April 10, 2009 I served the REQUEST FOR JUDICIAL NOTICE by the
7 following means to the persons as listed below:

8 X b. United States Mail, postage fully pre-paid (List persons and addresses. Attach
9 additional paper if necessary):

10 Richard S. Gale
11 7836 Faith Court
12 Las Vegas, NV 89131

13 Plaintiff in Pro Se

14 By: */s/ Katia Ioffe* _____
15 KATIA IOFFE
16 An employee of Wolfe & Wyman LLP

